

Minutes Tempe Police Public Safety Personnel Retirement System Board May 4, 2017

Minutes of the Tempe Police Public Safety Personnel Retirement System Board meeting, held on Thursday, May 4, 2017, 2:00 p.m., in Tempe City Hall, Third Floor Conference Room, 31 E. 5th Street, Tempe, Arizona.

Board Members Present:

Steven Methvin
Jim Foley
Bill Goodman (arrived at 2:10p.m.)
Kelly McMenemy
Alex Moreno

Board Members Absent:

None

City Staff Present:

Renie Broderick, Internal Services Director
Chris Hansen, Risk Manager
Wendy Messina, HR Program Coordinator
Ashley Hayashi, HR Technician
Sue Buck, Executive Assistant

Legal Counsel Present:

Cynthia Kelley

Chair Steven Methvin called the meeting to order at 2:05 p.m.

ITEM I – Board Member Appointments:

Local Board Secretary Renie Broderick introduced newly elected board member, Alex Moreno. Boardmember Moreno is taking over the remainder of Jeff Millen's term on the Board. Ms. Broderick stated that Rob Ferraro was elected to replace Kelly McMenemy when her term ends at the end of June. Ms. Broderick noted the election was completed before she could address the concerns brought up by Rob Ferraro at the April Board meeting. However, the voting was evenly distributed and Rob Ferraro was comfortable with the outcome of the election.

ITEM II – Consideration of Meeting Minutes:

Motion by Jim Foley to approve the April 6, 2017 Board Meeting Minutes and the April 6, 2017 Executive Session Minutes; second by Kelly McMenemy. Motion passed on a voice vote 4-0.

ITEM III - Public Appearances:

There were no public appearances.

ITEM IV - Motion to Adjourn to Executive Session, if necessary:

Motion to adjourn to Executive Session by Kelly McMenemy; second by Alex Moreno. Motion passed on a voice vote 4-0. Board adjourned to Executive Session at 2:07 p.m. Bill Goodman joined the meeting at 2:10p.m. The Board meeting reconvened at 2:13 p.m.

ITEM V – New Members:

Motion by Kelly McMenemy to accept the New Member applications of **Tyler J. Griffith, Hernan F. Hernandez, Thomas J. LaMoure, Marra J. Pearson** and **Dwayne K. Ramsey** with pre-existing conditions as noted in the medical file. Second by Bill Goodman. Motion passed on a voice vote 5-0.

Motion by Kelly McMenemy to accept the New Member application of **Adam D. Lazaravich**; second by Jim Foley. Motion passed on a voice vote 5-0.

ITEM VI – Prior Service:

The Board acknowledged the transfer by Robert Dufresne of 7.9920 years of service to the Gilbert Police Department.

ITEM VII – Application to Enter Into Deferred Retirement Option Plan (DROP) Program:

Motion by Kelly McMenemy to approve the application of **Steven M. Tucker** to enter into the Deferred Retirement Option Plan (DROP) Program; second by Bill Goodman. Motion passed on a voice vote 5-0.

ITEM VIII – Retirement Application:

Motion by Alex Moreno to approve the application of **Michael J. Dobson** for retirement from the Deferred Retirement Option Plan (DROP) Program with a retirement date of June 30, 2017; second by Kelly McMenemy. Motion passed on a voice vote 5-0.

ITEM IX – Status Update on Pending Disability Application:

Wendy Messina stated that Attorney Dale Norris has sent a written request for a rehearing of the disability application for **Matthew G. Murray**. The rehearing will be on the June agenda.

ITEM X – Initial Hearing on Application for Accidental Disability Benefits:

Chair Methvin opened the initial hearing on the application by **Edward J. Ouimette** for Accidental Disability Benefits by stating that the Board must determine whether the medical and other documentation submitted by Mr. Ouimette is sufficient to conclude that the statutory pre-requisites are satisfied. Dale Norris, legal counsel to Edward J. Ouimette, introduced himself requested to address the Board.

Mr. Norris stated the two disabling conditions listed on Mr. Ouimette's disability application are Post-Traumatic Stress Disorder and a physical disability of the wrist. Mr. Norris then provided an overview of the documentation submitted to the Board that supports the statutory pre-requisites.

Mr. Norris stated that both issues have been accepted as Worker's Compensation claims, and thus the majority of the documentation was provided by the City through Worker's Compensation medical. Mr. Norris noted that the day after the incident occurred Mr. Ouimette was seen by Dr. Sheard and diagnosed with PTSD and an April 19, 2017 treatment note from Dr. Sheard states that PTSD prevents Mr. Ouimette from performing his duties as a Police Officer. Mr. Norris noted that Dr. Sheard lays out all of the statutory pre-requisites in the letter dated May 3, 2017 that was just submitted to the Board.

Mr. Norris stated that Mr. Ouimette is also being seen by a psychiatrist, Dr. Rosengard, who manages his medications, and by Dr. Adler Tapia, a specialist in first responder PTSD, who has also submitted records. Mr. Norris stated that both Dr. Rosengard and Dr. Adler have diagnosed Mr. Ouimette with PTSD. Dr. Rosengard has prescribed medications and Dr. Adler has recommended Eye Movement Desensitization and Reprocessing therapy (EMDR). Mr. Norris said he believes the records provided are enough to find the statutory pre-requisites have been met for PTSD.

Chair Steven Methvin asked for the status of Mr. Ouimette's EMDR Therapy. Jennifer Ouimette, Mr. Ouimette's wife, addressed the Board, stating that Mr. Ouimette was in the initial stages of EMDR Therapy.

Mr. Norris stated that Mr. Ouimette has seen Dr. Vella regarding his wrist. Dr. Vella performed surgery on Mr. Ouimette's wrist on October 27, 2016 to repair the TFC tear; however in an April 10, 2017 follow-up appointment Mr. Ouimette continued to report pain in the wrist. Dr. Vella's most recent report dated April 28, 2017 states that he does not believe the patient can return to full work duty as a Police Officer. Mr. Norris said the records provide sufficient medical evidence to prove that the line of duty injury permanently prevents him from performing his duties as a Police Officer.

Boardmember Moreno asked if there were plans for continued treatment for the wrist condition. Mr. Norris said Dr. Vella indicated there is another surgery that could be performed to relieve pain, but which would not improve the functionality of the wrist. Boardmember Moreno asked if there was any specific report on the functionality of the wrist. Chris Hansen, Risk Manager for the City of Tempe, said the treatment is still in progress, but if Mr. Ouimette decides not to move forward with the surgery, the doctor will provide a disability rating and a recommendation for supportive care.

Motion by Kelly McMenemy to send Ed Ouimette for an Independent Medical Exam (IME) for PTSD; second by Alex Moreno. Motion passed on a voice vote 5-0.

Motion by Kelly McMenemy to request additional information and continue the initial hearing on the wrist when further information is available; second by Alex Moreno. Motion passed on a voice vote 5-0.

The Board designated Alex Moreno to coordinate the IME with the assistance of Kelly McMenemy and Wendy Messina.

ITEM XI – Revision to Local Board Procedures for Annual Review of Members Receiving Disability Benefits

Ms. Broderick said proposed changes to the review process for members receiving disability benefits have been shared with the Board. Ms. Broderick said the Local Board Procedures are the same for Fire and Police so they will need to be discussed in a Joint meeting. Ms. Broderick said there may also be some minor changes to align the Local Board Procedures with the updated State Procedures.

ITEM XII – PSPRS State Administrator Updates:

Ms. Broderick stated the PSPRS updates listed on the Agenda were previously forwarded to the Board and also provided to them in their meeting packets. There was no further discussion on this item.

ITEM XIII – Future Meeting Date:

The next meeting is scheduled for June 1, 2017.

ITEM XII - Future Agenda Items:

Local Board Procedures will be discussed in a Joint session with the Fire Board at the July meeting.

Adjournment

Motion to adjourn by Kelly McMenemy; second by Jim Foley. Motion passed unanimously on a voice vote 5-0. The meeting adjourned at 2:41pm.



Renie Broderick
Local Board Secretary